



Comoros

Country Reports on Human Rights Practices - [2002](#)

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The Union of Comoros is an emerging democracy that was ruled by President Azali Assoumani, who took power in a coup in April 1999, and subsequently was elected democratically in April presidential elections described by international observers as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Legislative elections were scheduled for March 2003. The Constitution provides for an independent judiciary, and unlike in previous years, there were no reports of efforts to influence the judiciary by the executive or others during the year.

The Comorian Defense Force and the Gendarmerie were responsible for internal security and were under the President's direct control. Some members of the security forces committed human rights abuses.

The economy was dominated by agriculture; the country's population was approximately 590,000. Revenues from the main crops continued to fall while the population has been growing at a rate of 2.7 percent annually. In 2001 per capita income was approximately \$356. The country depended heavily on foreign assistance from the European Union, China, and Arab countries, including Bahrain, Kuwait, Qatar, Saudi Arabia, Libya, and the United Arab Emirates.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained poor. Security forces and the separatist authorities on Anjouan used arbitrary arrest and detention. The Government limited freedom of religion, and security forces reportedly continued to threaten Christians. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents during the year. However, during a December 2001 unsuccessful coup attempt on Moheli, soldiers killed four invading mercenaries; two other mercenaries were lynched by a mob.

In addition to the police and the military, there were many groups on Anjouan that were armed, including paramilitary forces, militias, and civilians. There were no reported killings by these groups during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

In September police forcibly dispersed a student demonstration (see Section 2.b.).

Prison conditions remained poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet were common problems. The Government has not taken action to remedy these problems. Unlike in previous years, there were no reports of deaths as a result of disease in prisons during the year. Female prisoners were held separately from male prisoners. Juveniles were not imprisoned; they were returned to the custody of their parents. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by independent observers, and two such visits by the International Committee of the Red Cross (ICRC) and the Association Comorienne des Droits de l'Homme (ACDH) occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, some people apprehended by the police were brought arbitrarily to military camps instead of jails and in some cases held without charge for over 24 hours, contrary to the law.

After the August 2000 demonstrations against the Fomboni Declaration, separatist authorities on Anjouan arrested and beat numerous opposition supporters (see Section 1.c.). In September 2000, a tribunal in Anjouan's capital, Mutsamudu, freed 3 of the approximately 100 persons arrested. After President Bacar of Anjouan Island was elected in April, the remaining 97 supporters were released.

Two of President Azali's opponents who reportedly led a coup attempt in 2000 were released from detention in May (see Section 3).

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, the executive and other elites exercised influence over court cases. The Head of State appoints magistrates by decree.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also served as the High Court of the Republic and ruled on cases of Constitutional law. Trials were open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There were very few lawyers in the country, making it difficult to obtain legal representation. The military Government did not provide legal counsel to the accused. Most disputes were presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Bans on alcohol and immodest dress were enforced sporadically, usually during religious months, such as Ramadan.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were two independent newspapers that published regularly. These newspapers existed side-by-side with the semiofficial weekly *Al-Watwan*. Some of the independent newspapers criticized the Government freely.

There were two national radio stations: The government-run radio station, Radio Comoros; and the opposition radio station, Radio Tropique. In addition there were at least 10 regional and local stations, some of which were openly critical of the Government. Residents also received broadcasts from Mayotte Radio, as well as from French television, without government interference. In January a national television station was completed. There were several private local television stations, and satellite antennas were popular. Amateur radio licenses were issued without restriction.

Foreign newspapers and books were available. Unrestricted Internet service was available.

The Government did not restrict academic freedom. There was no university, but secondary students and teachers continued to speak freely and criticize the Government openly.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice. However, in September police forcibly dispersed students who were demonstrating for greater autonomy for Grande Comore. At least eight of the demonstrators were injured.

The Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the authorities infringed on this right.

Islam is the official religion. An overwhelming majority of the population was Sunni Muslim, and the Government discouraged the practice of religions other than Islam. The August 2000 Fomboni Declaration included an agreement to make Islam the national religion. Authorities restricted the right of Christians to practice their faith, and police regularly threatened and sometimes detained practicing Christians.

There were two Roman Catholic churches and one Protestant church; however, the Government restricted the use of these Christian churches to noncitizens. The Government permitted Christian missionaries to work in local hospitals and schools but did not permit them to proselytize.

There were no reports of Christians being detained on Anjouan during the year. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

There was widespread societal discrimination against Christians. Christians faced insults and threats of violence from members of their communities. Christians have been harassed by mobs in front of mosques and summoned for questioning by religious authorities. In some instances, families forced Christian members out of their homes or threatened them with a loss of financial support. Some Christians had their Bibles taken by family members. Local government officials, religious authorities, and family members attempted to force Christians to attend services at mosques against their will.

Several times during the year, religious leaders on Anjouan and Grande Comore threatened Christians during radio broadcasts and sermons in mosques. Attempts have been made to isolate Christians from village life.

Islamic fundamentalism grew in popularity as more students returned to the country after studying Islamic subjects in foreign countries.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

During the year, there continued to be reports that persons fled Grande Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees, asylees, or first asylum; however, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. During the 1990's, refugees from central Africa fled to the country. Some have received asylum in other countries; approximately 10 of these refugees remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides specifically for the right of citizens to change their government in regularly scheduled elections, and in practice they were allowed to do so in the April presidential elections, which were characterized as free and fair by international observers. Under the terms of the Constitution, a president will be elected from a different island every 4 years, based on a rotating schedule. In this year's elections, the primaries were held only on Grande Comore, as the first president under the Constitution must be a Grande Comorian. Three candidates advanced from the primary to the general election in which President Azali was elected with approximately 75 percent of the vote.

The country has been prone to coups and political insurrection since its independence in 1975. In April 1999, army commander Colonel Azali staged a bloodless coup and overthrew President Tadjidine Ben Said Massounde. In May 1999, Azali decreed a constitution that gave him both executive and legislative powers. In December 1999, in response to international criticism, Azali appointed a civilian prime minister, Bianrifi Tarmidi; however, Azali remained the Head of State and army Commander in Chief.

Also in August 2000, Azali and separatist leader Abeid signed the Fomboni Declaration. The declaration called for the creation of a new Comorian entity, in which the islands would share a common policy on religion, nationality, currency, foreign relations, and defense. The opposition parties initially refused to participate, but in December 2000, they met with the Azali Government and the African Union (AU) began mediating negotiations.

In response to pressure to restore civilian rule, the Government organized several committees to draft a new constitution, including the August 2000 National Congress and November 2000 Tripartite Commission. The opposition parties initially refused to participate in the Tripartite Commission, but in February 2001, representatives of the Government, the Anjouan separatists, the political opposition, and civil society organizations signed a "Framework Accord for Reconciliation in Comoros," brokered by the AU.

The Accord called for the creation of a new Tripartite Commission for National Reconciliation to develop a "New Comorian Entity" with a new Constitution. In August 2001, representatives from each island debated a draft Constitution. In December 2001, the draft Constitution, which called for the reincorporation of Anjouan, Grande Comoros, and Moheli into a new federation that would grant the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Under the terms of the Constitution, elections initially were set for March; however, Colonel Azali delayed declaring his candidacy and the elections were postponed until April. Each of the three islands that constituted the Union has a separate elected President. An ongoing debate between the President of the Union and the individual island presidents over the division of powers between the competing presidencies was unresolved at year's end.

The Constitution provides that the Legislative Assembly will be composed of 33 members. Of these, citizens will elect directly 18, and the Government will appoint 15 (5 per island). Legislative Assembly elections were scheduled for March 2003.

The Anjouan secession crisis subsided after the August 2000 signing of the "Fomboni Declaration of National Unity" by Azali and separatist leader Lieutenant Colonel Said Abeid. The Fomboni Declaration provides for a loose confederation between the islands, giving each island the ability to maintain an army and conduct its own foreign relations. In August 2001, separatist soldiers, reportedly dissatisfied with pay and promotions, started protests that led to the overthrow of Abeid in Anjouan. A three-man military commission replaced him as leader of Anjouan; Abeid fled to Mayotte. The new military commission pledged to support the reconciliation process begun by the February Accord. In November 2001, Abeid made an unsuccessful attempt to regain control of Anjouan by attacking forces loyal to the new military commission, but he quickly was defeated. The coup attempt did not threaten the Fomboni Agreement.

In December 2001 on Moheli, the army defeated a coup attempt by 13 French mercenaries after several hours of fighting. Colonel Hassan Harouna, a former defense official in the Government of former President Abdoukarim, was arrested in December 2001 and accused of organizing the coup to derail the December 2001 referendum. He was released in May.

In March 2000, dissident political and army elements attempted a coup against Azali. This coup was suppressed, and the leaders of the coup were detained. The two leaders were freed in May (see Section 1.d.).

There were no bans in effect on political parties, which continued to criticize the Government openly and without penalty. There were 21 political parties in the country; 5 parties represented the Government, and 16 parties represented the opposition.

Village chiefs and Muslim religious leaders tended to dominate local politics. Traditional social, religious, and economic institutions also affected the country's political life in important ways.

There was one woman in the Cabinet. Two women hold senior government positions: One was the President of the Tribunal of First Instance, and the other was legal counsel to President Azali.

An overwhelming majority of the population was Sunni Muslim, and all citizens, including the small number of Christians in the country, identified themselves as Muslims for safety reasons (see Section 2.c.). There were no Christians in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. However, the Comoros Human Rights Association, established in 1990, was not active during the year due to a lack of funds. In July the newly formed Haki Association for Human Rights ran a series of human rights seminars open to all persons.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors; however, there was discrimination against women.

Women

Domestic violence against women occurred, but medical authorities, the police, and women's groups believed that it was rare. In theory a woman could seek protection through the courts in the case of violence, but the problem was addressed most often within the extended family or at the village level.

Prostitution is illegal, and most citizens did not consider it to be a problem.

Men have the dominant role in society. A matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming and childrearing duties, with fewer opportunities for education and wage employment. An improvement in the status of women was most evident in the major towns, where growing numbers of women were in the labor force and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. While legal discrimination existed in some areas, in general inheritance and property rights do not discriminate against women. For example, the house that the father of the bride traditionally provides to the couple at the time of their marriage remained her property in the event of divorce.

Children

The Government has not taken any specific action to protect or promote children's welfare. Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Education was compulsory until the age of 10; however, attendance was not enforced. An estimated 60 percent of

children attended primary school, while only 34 percent attended secondary school; 55 percent of boys attended school, and 45 percent of girls attended school.

Child abuse was rare.

Child prostitution and child pornography are illegal. Unmarried children under the age of 13 were considered minors, and they were protected legally from sexual exploitation, prostitution, and pornography.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, there were no laws that mandate access to buildings for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to unionize, and the Government has not prevented industries from unionizing. Farming on small land holdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. The wage labor force was small, and numbered less than 7,000 including government employees and less than 2,000 excluding them. Teachers, civil servants, and dock workers were unionized. Unions were independent of the Government.

The Labor Code, which was enforced rarely, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

There were no restrictions on unions joining federations or affiliating with international bodies; however, none were known to do so.

b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference in their right to organize and administer their unions. Unions have the right to bargain collectively. Employers set wages in the small private sector, and the Government, especially the Ministries of Finance and Labor, set them in the larger public sector.

The Constitution provides for the right to strike, and the Government generally respected this right in practice. In previous years, government workers, teachers, and hospital workers held strikes primarily because they were not paid for weeks at a time. During the year, there were no reports of strikes on Anjouan or Moheli; however, teachers held strikes on Grande Comore, which resulted in the closure of schools for 1 week. In 2000, despite regulations that forbid the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike that called for judicial reform and regular payment of salaries. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor by adults; however, the Government does not prohibit forced and bonded labor by children, and there were some instances in which it occurred. Some families placed their children in the homes of others where they worked long hours in exchange for food or shelter. A 2000 UNICEF study found that approximately 15 percent of children worked at jobs for which they were not paid.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor had few resources to enforce this provision; however, child labor generally was not a problem due to the general lack of wage employment opportunities. Children generally worked for their families in the subsistence farming and fishing sectors.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor; however, the Government adhered to its provisions in practice.

Forced or bonded labor by children occurred (see Section 6.c.).

e. Acceptable Conditions of Work

There was no minimum wage. In previous years, the Government paid workers late or failed to pay them at all; however, during the year, government workers were paid more regularly.

The Labor Code specifies a workweek of 37½ hours with 1 day off per week plus 1 month of paid vacation per year.

There were no safety or health standards for the very small manufacturing sector.

The law protects legal foreign workers; however, there were no such provisions in the law to protect illegal foreign workers.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.